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Board of Supervisor's Office

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CAPTION HEADING: REVISED ORDINANCE NO. ~~93.01~~ 01-93

DO NOT REMOVE

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Revised Ordinance No. 93.01: Navajo County Animal Control Ordinance, revised May 17, 1997, with **Fee Schedule**, approved July 7, 1997.

Navajo County Animal Control Ordinance #93:01 01-93
Revised 5-19-97

WHEREAS, the Arizona legislature has adopted Article Six of Chapter Seven, Title Eleven, Arizona Revised Statutes, concerning animal control; and

WHEREAS, A.R.S. §11-1018(B) authorizes counties to adopt animal control ordinances more stringent than the state statutes; and

WHEREAS, the safety, health, and welfare of the citizens of the unincorporated areas of Navajo County will be promoted by an ordinance regulating the running at large of dogs, as well as annoying or harassing behavior by dogs and other animals, pursuant to authority granted the County by the state statutes; and

WHEREAS, the law authorizes the Board of Supervisors of Navajo County to fix fees and costs for animal control enforcement,

NOW, THEREFORE, the Board of Supervisors of Navajo County does ordain:

SECTION ONE

All provisions of Article Six of Chapter Seven, Title Eleven, Arizona Revised Statutes, as the same presently exist or may be subsequently amended or renumbered, are hereby adopted and incorporated into this ordinance by reference.

SECTION TWO: DOGS AT LARGE

It shall be unlawful for any person having ownership, possession or control of a dog to allow the dog to run at large within the unincorporated areas of Navajo County except as otherwise authorized in this ordinance.

As defined by A.R.S. §11-1001(2), "at large" means being neither confined by an enclosure nor physically restrained by a leash.

For purposes of this ordinance, "physically restrained by a leash" shall mean restrained by a leash not to exceed six feet in length which is of adequate strength and material so as not to allow the escape of the dog from the control of its owner or controller.

The requirements of this section shall not be construed as changing, decreasing or abrogating the duty to observe the standard of care owed by any owner, controller or other person to appropriately restrain a dog so as to avoid injury to persons or property.

Any dog running at large shall be impounded by the County control agency. The Navajo County Sheriff's Office shall be the control agency unless the Board of Supervisors at any time designates otherwise by ordinance or resolution.

This section shall not apply to dogs in the following situations: Dogs while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, or while being used by a government agency for police or military work which

falls within A.R.S. §11-1025(B)(1)-(4). All exceptions to this section shall be conditioned on compliance with all other applicable laws, including any licensing or vaccination requirements.

SECTION THREE: BARKING DOGS

It shall be unlawful for any person having ownership, possession or control of a dog to allow the dog to engage in unrestrained or excessive barking within the unincorporated areas of Navajo County in such manner so as to unreasonably disturb the peace of any person.

SECTION FOUR: PUBLIC NUISANCE

Any animal which:

- 1) Annoys or harasses passers-by or passing vehicles,
- 2) Attacks other animals,
- 3) Trespasses on school grounds,
- 4) Is repeatedly at large,
- 5) Damages public or private property,
- 6) Barks, whines, or howls in an excessive, continuous or untimely fashion,
- 7) Repeatedly causes garbage to be thrown about, or
- 8) Is a "vicious animal" as defined in A.R.S. §11-1001(16),

is declared to be a "Public Nuisance" and shall be impounded at a cost to be borne by the person having ownership, possession or control.

SECTION FIVE: FEES

The Board of Supervisors shall establish a schedule of fees for licensing, impounding, reclaiming, and such other animal control activities as may be authorized by state law. Any agency designated by the Board of Supervisors to enforce or administer this ordinance may make recommendations to the Board as to the appropriate fee and any other matter to carry out this ordinance and state law. To the extent permitted by law, the Board of Supervisors may authorize the County control agency or the Board's designated agency to carry out the duties authorized by state law and this ordinance.

SECTION SIX: CRIMINAL PENALTIES

Any person violating any provision of Sections Two or Three hereof shall, for each such violation, be guilty of a class 2 misdemeanor. Each day a violation continues shall be deemed a separate offense.

SECTION SEVEN: REPEALER

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

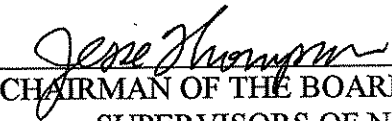
SECTION EIGHT: SEVERABILITY

If any section or paragraph of this ordinance is found unconstitutional or preempted by federal or state law, it shall not affect the remaining sections and paragraphs but shall be stricken and the remaining provisions of this ordinance shall be given effect.

SECTION NINE: EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after its passage and publication according to law.

PASSED AND ADOPTED by the Board of Supervisors of Navajo County on
May 19th, 1997.


CHAIRMAN OF THE BOARD OF
SUPERVISORS OF NAVAJO
COUNTY

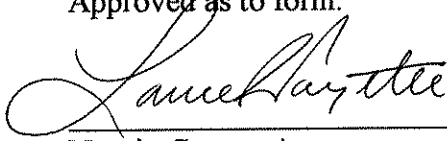
Ayes 5

No's 0

Attest:


Clerk of the Board of Supervisors
of Navajo County

Approved as to form:


Navajo County Attorney

When recorded mail to:



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INDEXED

FEE # 93 03250

RECORDED AT THE REQUEST OF

Board of Supervisors

ON MAR 09 '93 - 10 30 AM

IN DOCKET 1119 PAGE(S) 188-191 Incl.

OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA

JAY H. TURLEY, RECORDER

cc: Sheriff
D. Kester

This space reserved for recording information

CAPTION HEADING: Ordinance 01-93

DO NOT REMOVE

This is part of the official document.

NAVAJO COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, the Arizona legislature has adopted Article Six of Chapter Seven, Title Eleven Arizona Revised Statutes; and

WHEREAS, the safety, health, and welfare of the citizens of the unincorporated portions of Navajo County will be promoted by an ordinance regulating the running at large of dogs pursuant to authority granted the County in Article Six; and

WHEREAS the law requires the Board of Supervisors of Navajo County to fix fees and costs; WHEREFORE,

the Board of Supervisors of Navajo County, State of Arizona, does ordain:

SECTION ONE

All provisions of Article Six of Chapter Seven Title Eleven, Arizona Revised Statutes as it presently exists or may be subsequently amended or renumbered is hereby adopted and incorporated into this ordinance by reference.

SECTION TWO

No dog shall be allowed to run at large within the unincorporated areas of Navajo County except as otherwise authorized in this ordinance.

As defined by A.R.S. § 11-1001(2) "at large" means being neither confined by an enclosure or physically restrained by a leash.

For purposes of this ordinance, "physically restrained by a leash" shall mean confined by a leash of, at most, six feet which is of adequate strength and material so as not to allow the escape of the dog from control of its owner or controller. The requirements of this section shall not be construed as changing, decreasing or abrogating the duty to observe the standard of care owed by any owner, controller or plaintiff to appropriately restrain a dog to avoid injury to person or property.

This section shall not apply to dogs in the following situations: Dogs while being used for control of livestock; Dogs while being used or trained for hunting; Dogs while being exhibited or trained at a kennel club event; Dogs while actually being used by a governmental agency for police or military work pursuant to an adopted written policy on the necessity and appropriate use of a dog for military or police work which falls within A.R.S. § 11-1025(B)(1) -(B)(4). All exceptions to this section shall be conditioned on compliance with all other applicable law including any licensing or vaccination requirements.

SECTION THREE

Any dog running at large shall be impounded by the County Control Agency. Unless the Board of Supervisors at any time designates by ordinance or resolution otherwise, the Navajo County Sheriffs Department shall be the control agency of the County.

SECTION FOUR

The Board of Supervisors shall set fees for license, impounding, reclaiming, and other fees pursuant to State law. Any agency designated by the Board to enforce or administer this ordinance may make recommendations to the Board as to the appropriate fee and any other matter to carry out this ordinance and State law. To the extent permitted by law, the Board may authorize the county control agency or the Board's designated agency to carry out the duties authorized by State law and this ordinance.

SECTION FIVE

Any person violating any of the provisions of this ordinance shall, for each such offense, be guilty of a class 2 misdemeanor. Each day an individual violates this ordinance shall be considered a separate and continuing offense.

SECTION SIX REPEALER

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

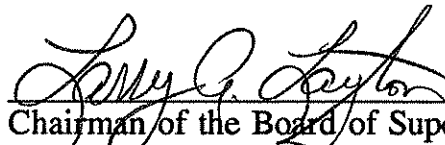
SECTION SEVEN
SEVERABILITY

If any section or paragraph of this ordinance is found unconstitutional or preempted by and federal or Arizona State law, it shall not affect the remaining sections and paragraphs but shall be stricken and the remaining provisions of this ordinance shall be given effect.

SECTION EIGHT
EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after its passage and publication according to law.

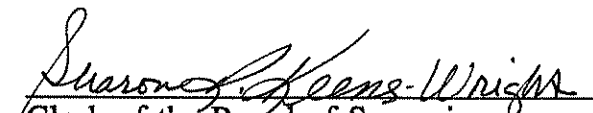
Passed by the Board of Supervisors of Navajo County on March 8,
1993.


Chairman of the Board of Supervisors
of Navajo County

Ayes 4

Nos 0

Attest:


Clerk of the Board of Supervisors
of Navajo County

Approved as to form


Navajo County Attorney

COUNTIES

authority of this article shall be adopted, amendment or repeal by the public hearing thereon for the purpose of or repeal of the rule. The commission regulation in the county at least twenty the hearing will be held, together with of a rule. Every rule or amendment or effect.

SE OF POWERS

ry Notes

ant to title 11, chapter 7, article 3, Arizona Statutes, before January 1, 1991, pertaining payments of voluntary contributions in lieu es on property acquired for water rights are ted and confirmed and may continue to oper- cording to their own terms and conditions."

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ter districts, cooperation with governmental s, see § 48-4851.

ntaries

problems across Indian country borders. y Rank, 33 Ariz.L.Rev. 337 (1991).

d contracts

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or as a participant in a joint purchase directly an insurer pursuant to A.R.S. 952.01(A) and 15-382(B). Op.Atty.Gen. No. 16.

erty, liability, workers' compensa-
; exemptions; board of trustees;
; insolvency

ons

purchase of insurance. Op.Atty.Gen. No. 98.

greements or contracts

ustrial development authorities may enter intergovernmental agreements for the purpose pling retention of their risks and for the joint asing of insurance. Op.Atty.Gen. No. 98.

COUNTIES

3. Insurance

ies may make an industrial development authority None of the governing bodies may include an or its board of directors an additional insured on industrial development authority in its risk man- the governing body's insurance policies. Op.Atty. agement program, and none of the governing bod- Gen. No. 189-098.

ARTICLE 4. RELOCATION ASSISTANCE

§ 11-965. Expenses incidental to transfer of property

A. In addition to the payments authorized by §§ 11-963 and 11-964, the acquiring agency as a part of the cost of the project, after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award or compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner to the extent it deems fair and reasonable for expenses he necessarily incurred for:

1. Recording fees, transfer taxes and similar expenses incidental to conveying such real property.

2. Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property.

B. In addition to the reimbursements authorized by subsection A of this section, the acquiring agency shall reimburse the owner for paid real property taxes in excess of the owner's pro rata portion allocable to a period subsequent to the date of vesting of title in the acquiring agency or the effective date of the possession of such real property by the acquiring agency, whichever is earlier.

Amended by Laws 1991, Ch. 226, § 1.

ARTICLE 6. ANIMAL CONTROL

Article 6, consisting of §§ 11-1001 to 11-1020 (renumbered from Title 24, Chapter 2, Article 8, consisting of §§ 24-361 to 24-378) was transferred for placement here and renumbered, and the article heading was changed from "County Pounds" to "Animal Control", by Laws 1990, Ch. 374, § 222, effective January 1, 1991.

§ 11-1001. Definitions

In § 13-1208 and in this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies, except man.
2. "At large" means being neither confined by an enclosure nor physically restrained by a leash.
3. "County board of health" means the duly constituted board of health of each county.
4. "County enforcement agent" means that person in each county who is responsible for the enforcement of this article and the rules adopted under this article.
5. "County pound" means any establishment authorized by the county board of supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.
6. "Department" means the department of health services.
7. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.
8. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
9. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
10. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.

Judy Jones

From: Lance Payette
Sent: Monday, January 05, 1998 7:35 AM
To: Judy Jones
Subject: RE:

ARS 13-707: up to four months imprisonment.

ARS 13-802: fine of up to \$750.

I can't remember how the animal control ordinance reads, but often each day that a violation continues is a separate violation.

ANIMAL CONTROL ORDINANCE #93-01
SECTION V
SCHEDULE OF FEES

Fees in place as for White Mountain and Winslow Human Society:

A) Hourly fee for assistance	\$ 20
B) Maintenance fee per day	\$ 5
1) Unlicensed animals destroyed/ disposed after 3 days	\$ 15
2) Licensed animals destroyed/ disposed after 6 days	\$ 30
C) Quarantine for rabies (10 day minimum)	\$100

Fees in place for Licensing:

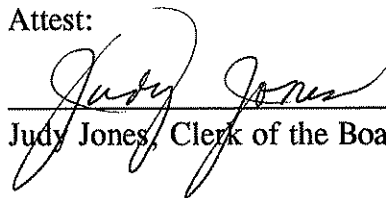
Neutered males and spayed females	\$ 5
Unaltered males and females	\$15
Licenses renewed after March 1 will cost an additional	\$ 2
Licenses renewed after April 15 will cost and additional	\$10

Approved this 7th day of July, 1997.



Jesse Thompson, Chairman

Attest:



Judy Jones, Clerk of the Board

Board of Supervisor's Office

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CAPTION HEADING:

REVISED ORDINANCE NO. 93-01- 01-93

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SECTION NINE: EFFECTIVE DATE

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PASSED AND ADOPTED by the Board of Supervisors of Navajo County on May 19th, 1997.

Gene Thompson
CHAIRMAN OF THE BOARD OF
SUPERVISORS OF NAVAJO
COUNTY

Ayes 5

No's 0

Attest:

Judy Brown
Clerk of the Board of Supervisors
of Navajo County

Approved as to form:

James Ray the
Navajo County Attorney

ANIMAL CONTROL ORDINANCE #93-01
SECTION V
SCHEDULE OF FEES

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Unaltered males and females \$15

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Approved this 7th day of July, 1997.

Jesse Thompson, Chairman

Attest:

Judy Jones, Clerk of the Board